

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MED-DEN FUNDING, LLC,**

**Plaintiff,**

**vs.**

**B GRIGOROVICH D.D.S., INC.,**

**Defendant.**

**8:20CV223**

**ORDER**

This matter is before the Court following a telephone conference before the undersigned magistrate judge on May 6, 2021. Counsel for Plaintiff requested the call to discuss scheduling issues with the deposition of Defendant's representative, noticed by Plaintiff to take place in Omaha, Nebraska on May 20, 2021, and the deposition of Plaintiff's representative, noticed by Defendant to take place in Brea, California, on May 14, 2021. Plaintiff's counsel requested the call with the Court by email on April 29, 2021, because defense counsel had not responded to any of Plaintiff's counsel's attempts to reach him on this issue.

Defense counsel did not respond to Plaintiff's email to the undersigned's chambers requesting the conference, nor to the emails sent by the undersigned's staff on April 29, April 30, or May 3, 2021, inquiring as to defense counsel's availability. The telephone call was set by text order dated May 3, 2021. Counsel for Plaintiff appeared for the scheduled conference, but counsel for Defendant did not participate in the telephone conference or otherwise notify the Court that he would be unable to appear. Under the circumstances,

**IT IS ORDERED:**

1. Plaintiff is excused from appearing for the deposition noticed for May 14, 2021, in Brea, California.
2. Defendant is notified that further failure to adhere to deadlines in the Case Progression Order, failure to participate in discovery and scheduling of depositions, and/or failure to appear at scheduled telephone hearings or comply with court orders, may result in appropriate sanctions upon motion by Plaintiff, including entry and/or judgment of default against Defendant.

Dated this 6<sup>th</sup> day of May, 2021.

**BY THE COURT:**

s/Michael D. Nelson  
United States Magistrate Judge